HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1092(MB) of 2006

1. Devendra Dutt Uniyal
   S/o Sri Jagdish Prasad Uniyal,
2. Dharmanand S/o late Sri Devanand,
3. Jayadhar Prasad S/o late Sri Devanand,
4. Trilok Singh Panwar S/o Sri Nanak Singh Panwar,
   All R/o village Todi Shuklpur,
   P.O. Bhagirathipuram, New Tehri,
   District Tehri Garhwal. ---------Petitioners.

Versus

1. District Magistrate/Rehabilitation Director,
   Tehri Dam Project, New Delhi,
2. General Manager, Uttaranchal Jal Sansthan,
   Nehru Colony, Dehradun,
3. C.M.D. T.H.D.C. Bharigathipuram,
   New Tehri, Tehri Garhwal. -------Respondents.

Sri L.K. Tewari, learned counsel for the petitioners,
Sri L.P. Upadhyay, learned Standing Counsel for respondent no.1.
Sri Rakesh Thapliyal, learned counsel for the respondent no.2.
Sri U.K. Uniyal, learned Sr. Counsel assisted by Sri Shobhit Saharia, learned counsel for respondent no.3.

Coram:-Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:

Heard Sri L.K. Tewari, learned counsel for the petitioners, Sri K.P. Upadhyay, learned Standing Counsel for the State/ respondent no.1, Sri Rakesh Thapaliyal, leaned counsel for the respondent no.2 and Sri U.K. Uniyal, learned Sr. Counsel assisted by Sri Sobhit Saharia, leaned counsel for respondent no.1 & 2.

The petitioner have filed the present writ petition for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.1 to decide the representation of the petitioners (annexure-4) by speaking and reasoned order within some stipulated time as directed by this Hon'ble Court,

ii. Issue any other order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case,

iii. Award of the petition in favour of the petitioners.

The main grievance of the petitioners is that they are the residents of village Todi Shuklpur, P.O. Bhagirathipuram, New Tehri where the respondent no.3 have constructed sewerage treatment plant in most unhygienic way, which is causing pollution, because of ill maintenance of the sewerage treatment plant. In this respect, the petitioners have already moved representation before the authority concerned and the last one is addressed to respondent no.1.

Submission of the learned counsel for the petitioners is that the sewerage treatment plant has been constructed by the T.H.D.C. in their village, however from perusal of record it reveals that the petitioners have not moved any representation before the authorities of T.H.D.C. for proper maintenance of the sewerage plant.

In the circumstances, I direct the petitioners to move representation before the authorities of T.H.D.C., if the T.H.C.D. has constructed the sewerage treatment plant, for proper maintenance of the sewerage treatment plant, so that the

plant may not cause pollution spreading diseases to the habitants of the said village.

In case, any representation is preferred to the respondent no.3 and the sewerage treatment plant has been constructed by the T.H.D.C., the authorities concerned are decide to take decision on the representation and maintain the sewerage treatment plant in hygienic way so that no pollution may cause to the habitants of the village as well as in the nearby areas.

With the above direction, the writ petition stands disposed of.

Consequently, the interim relief application no. 11171 of 2006 is disposed of.

(B.S. Verma, J.) **(M. M. Ghildiyal, J.)**

August 31, 2006:
NCM: